

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

EPLET, LLC, not individually but solely in its  
representative capacity as Administrative Trustee  
of Revitalizing Auto Communities Environmental  
Response Trust, and Racer Properties LLC,

Plaintiffs,

v.

National Grid USA, *et al.*,

Defendants.

Civil Action No. 5:18-cv-01267-DNH-ML

**STIPULATION AND ORDER OF  
PARTIAL DISMISSAL**

Having reached a settlement in the above-captioned matter, Plaintiffs and Counter Defendants EPLET, LLC, not individually but solely in its representative capacity as Administrative Trustee for Revitalizing Auto Communities Response Trust, and RACER Properties LLC (“Plaintiffs”), on the one hand, and Defendants and Counter Claimants 6181 Thompson Road LLC; Bristol-Myers Squibb Company; C&S Engineers, Inc. (f/k/a Calocerinos & Spina Engineers); Carlyle Air Conditioning Company, Inc.; Carrier Corporation; Gardner Denver, Inc., n/k/a Industrial Technologies and Services, LLC; General Electric Company; Honeywell International Inc.; Lockheed Martin Corporation; Magna Powertrain USA, Inc.; National Grid USA; New Process Gear, Inc.; Niagara Mohawk Power Corporation; Onondaga Pottery Company, Inc.; and RTX Corporation (f/k/a United Technologies Corporation) (“Settling Defendants”), on the other hand, pursuant to Federal Rule of Civil Procedure 21—which permits the Court, on motion and on just terms, to add or drop a party at any time—hereby agree and jointly stipulate that:

1. No party hereto is an infant or incompetent;

2. All claims by Plaintiffs against each Settling Defendant shall be dismissed without prejudice;
3. All counterclaims by each Settling Defendant against Plaintiffs shall be dismissed without prejudice; and
4. Each Settling Defendant shall be dismissed without prejudice from the above-captioned matter.

Respectfully submitted,

<p><b>PRETI FLAHERTY BELIVEAU &amp; PACHIOS LLP</b></p> <p><u>/s/ Jeffrey A. Thaler</u>  Jeffrey A. Thaler, Esq. (<i>pro hac vice</i>)  Kevin C. Osantowski, Esq. (<i>pro hac vice</i>)  P.O. Box 9546  One City Center  Portland, Maine 04112  (207) 791-3000  <a href="mailto:jthaler@preti.com">jthaler@preti.com</a>  <a href="mailto:kosantowski@preti.com">kosantowski@preti.com</a></p> <p><i>Counsel for Plaintiffs EPLET, LLC, not individually but solely in its capacity as Administrative Trustee of Revitalizing Auto Communities Environmental Response Trust, and RACER Properties LLC</i></p>	<p>Date: <u>08/07/2025</u></p>
<p><b>RUPP PFALZGRAF LLC</b></p> <p><u>/s/ John T. Kolaga</u>  John T. Kolaga  1600 Liberty Building  424 Main Street  Buffalo, NY 14202  (716) 854-3400  <a href="mailto:kolaga@rupppfalzgraf.com">kolaga@rupppfalzgraf.com</a></p> <p><i>Counsel for Defendant, 6181 Thompson Road, LLC</i></p>	<p>Date: <u>08/07/2025</u></p>

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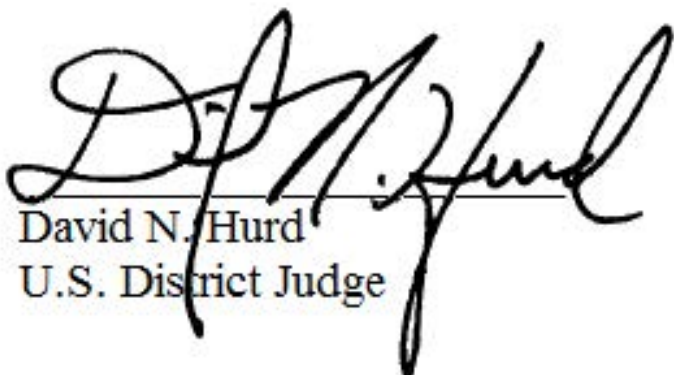
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SO ORDERED

  
David N. Hurd  
U.S. District Judge

Date: August 13, 2025

**CERTIFICATE OF SERVICE**

I, Jeffrey A. Thaler, hereby certify that on August 7, 2025, I caused a copy of the foregoing Stipulation and Order of Dismissal to be served upon all counsel of record by operation of the electronic filing system of the United States District Court for the Northern District of New York.

/s/ Jeffrey A. Thaler

Jeffrey A. Thaler, Esq. (*pro hac vice*)